IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 20247 of 2002

Between:

1. J.Kishore Kumar, S/o. J.Sailoo,
   R/o.H.No.1-3-46,Vidyuth Nagar, Ramagundem,
   Karimnagar Dist.

2. Mohd.Ahmaduddin, S/o. Ameeruddin,
   R/o.H.No.1-3-46,Vidyuth Nagar, Ramagundem,
   Karimnagar Dist.

.... PETITIONERS

AND

1. A.P.Power Generation Corporation Ltd.,

rep.by it's Chariman-cum-Managing Director.
Vidyuth Soudha, Somajiguda.
Hyderabad.

2. The General Manager HRD, A.P.Power Generation

Corporation Ltd.,Vidyuth Soudha, Somajiguda.
Hyderabad.

3. The Chief Engineer,(O&M) Ramagundem

thermal'B' Power Station,
Ramagundem, Karimnagar Dist.

4. T.Rajkumar singh, M/s.Pragathi Engineering Works,
   Ramagundem, Karimnagar Dist.

5. Daya venkataiah, President,dr.B.R.Ambedkar SCLCCS Ltd.,
Peddampet,Ramagundem, Karimnagar Dist.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent 1 to 3 in not absorbing the petitioners in suitable posts while absorbing other similarly situated persons is highly arbitrary, illegal and discriminatory offending Art 14&16 of the Constitution of India and consequently direct the Respondents 1 to 3 to absorb the petitioners in suitable posts as per guidelines issued in B.P.Ms.No.37,dt.18-5-1997read with B.P.Ms.No.272, dated 31.12.1997 with all consequential benefits.

Counsel for the Petitioner: MR.P.VINOD KUMAR

Counsel for the Respondents: Smt K.Sesharajyam S.C for AP Genco

The Court made the following:

ORDER:

Heard both sides.

The learned counsel appearing for both sides represents that the question involved in the Writ Petition is squarely covered by the orders in W.P. No. 21036 of 2000, dated 23.11.2000.

Following the same, the Writ Petition is accordingly disposed of with the following directions:

1. The Deputy Commissioner of Labour, Warangal in whose jurisdiction the R.T.S. Ramagundam falls shall cause an enquiry as to whether the petitioner fall within the category of contract labour engaged in the maintenance works of coal Mills at R.T.S.Ramagundam.

2. Whether the Maintenance work for which the petitioners were engaged forms part of the coal Mill Maintenance and whether they are engaged in the Department as such in the category referred to above.

3. The Deputy Commissioner of Labour shall cause an enquiry after giving proper opportunity to the respondents as well as the petitioners to produce the necessary documents. He shall conduct the enquiry and pass appropriate order.

4. In case, the authority holds that they are engaged as contract labour,

employed in the maintenance of work in the coal Mills maintenance, the respondents shall consider the case of the petitioners for absorption in accordance with B.P.Ms.No.37, dated 18.05.1997.

5. The petitioners shall file necessary documents in this regard to the Deputy Commissioner within a period of four months from the date of receipt of copy of this order.

Kvrm _____

21-03-2005

Note: CC in one week.

To

1. The Chairman, cum Managing Director, A.P.Power Generation Corporation Ltd., Vidyuth Soudha, Somajiguda.
Hyderabad.

2. The General Manager HRD, A.P.Power Generation

Corporation Ltd.,Vidyuth Soudha, Somajiguda.
Hyderabad.

3. The Chief Engineer,(O&M) Ramagundem

thermal'B' Power Station,
Ramagundem, Karimnagar Dist.
4. 2 CD copies.